

Notice of Allowability

Application No.

10/624,070

Examiner

Rodney H. Bonck

Applicant(s)

PICKELMAN ET AL.

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the proposed amendment received September 20, 2006.
2. ☒ The allowed claim(s) is/are 16, 18, 27 and 31-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

The following action is in response to the proposed amendment received September 20, 2006. The proposed amendment has been approved for entry.

Allowable Subject Matter

Claims 16, 18, 27, and 31-35 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to show or render obvious a hydraulically controlled fan drive system as defined in claim 16 and particularly wherein a main controller is coupled to the hydraulic fluid flow controller and engages the system to derate a vehicle engine.

The art of record also fails to show or teach a hydraulically controlled fan drive system as defined in claim 18 wherein a variable cooling circuit comprises a second pitot tube coupled within the housing assembly and supplying hydraulic fluid to and cooling the engaging circuit.

The art fails to show or teach a hydraulically controlled fan drive system as defined in claim 27 wherein the plurality of branches of the first pitot tube comprises a piston branch directing at least a portion of the hydraulic fluid to the piston and a control branch directing at least a portion of the hydraulic fluid away from the piston.

The prior art of record fails to show or render obvious a hydraulically controlled fan drive system as defined in claim 31 wherein the hydraulic fluid flow controller

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electronically or both electronically and mechanically adjusts fluid pressure to the engaging circuit.

The art fails to show or teach a hydraulically controlled fan drive system as defined in claim 32 wherein the system is defaulted to an engaged state when the hydraulic fluid flow controller is in the closed state by increase in fluid pressure to the engaging circuit.

The prior art of record fails to show or teach a hydraulically controlled fan drive system as defined in claim 33 including a main controller coupled to the hydraulic fluid flow controller and generating a cooling signal and the hydraulic fluid flow controller adjusts fluid flow pressure in response to the cooling signal.

The art of record fails to show or render obvious a hydraulically controlled fan drive system as defined in claim 34 including a temperature sensitive device sensitive to a temperature within the housing assembly and selectively preventing flow of hydraulic fluid within the first pitot tube.

The art fails to show or teach a hydraulically controlled fan drive system as defined in claim 35 wherein the hydraulic fluid flow controller selectively bypasses flow of the hydraulic fluid to selectively prevent engagement of the fan shaft.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Amendment

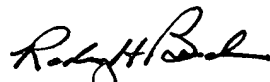
The claims as amended in the response filed September 20, 2006, distinguish over the prior art of record for the reasons given above. Accordingly, the rejections under 35 USC 103(a) set forth in the previous Office action are withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rodney H. Bonck
Primary Examiner
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rhb
October 11, 2006